App. F. IX-4

Previous References

1927. (Quarto

File No. 158-27

Serial Nos. 1 - 4

Later References

General and Revenue Secretariat.

Serial Nos. Four

Part B for August 1928

SUBJECT

Addendum to the Rules regulating the practice of the Chief Court requiring the typing or printing of records in the Chief Court in Income-Tax References &c &c &c.

E & R No P 1076-78/13-8-28

To the Registrar Chief Court

" Comm of Income Tax

Sanctioned.

M Iyengar
3/10/28

(1)

G. R. S. APP F.III—1] 1927-28

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No/5827

FILE HEADING.

Addendum to the Rules regulating the practice of the lehiq court requiring typing or Printing of records in the lehiq court in the Income tax reference cases.

FROM

The Regr lehiq court

Regr No. 1473 Dated 20-12-27 Received 23-12-27

Diary No. 3133	Enclos. 1 Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to the accompanying addendum to the Rules regulating the practice of the lehiq Court requiring the records of income tax reference cases to be typed or printed

NOTES AND ORDERS.

Laer Regr's orders ont. hd

' This may be sanctioned '

Sd B. N
22.12

Sent with a draft-

Sd 7/Jan/28

Please perhaps the ~~R.P.~~ Copy of the R.P. Reference books manual now Corrects.

Sd 14/1

NOTES—First Sheet.

General and Revenue Secretariat. | File No. 5 8 of 192 7.

Serial No.

Sd with the Gazette Containing the original Rules as well as the old and digest and amendment.

Submitted for perusal.

7.1.28

(1) The draft addendum refers to para 21 in the manual. The amendments of the manual will not have a binding effect. The draft must refer to the R.P's The Chief Court may be requested to refer to the R.P Concerned in the draft amendment.

Sec'y (I.D)

(2) The Chief Court may be asked to clear the question of liability to pay the costs of printing etc — Who is to assume at whose instance the reference to Chief Court will be made, has to pay the cost of printing etc in the first instance & recover it from I.T. Com'r in case the assessee succeeds.

(3) The proposed rule may be suitably modified — The Ch. Ct may be asked to send a revised rule if there is

5959/25/1

D/ R.P. Mostyn's note that also the draft (Agreed)

Dafa.

NOTE—Contin. sheet.

WD 0824 -GPB—60,000—24-5-27

General and Revenue Secretariat.

(S File No. 158 of 192)-28

Serial No.

16

Send with draft for consideration

6153/31/1

Leg & J. D)

11) 1/2/28.

12)

The Registrar Chief Court
No P 4424 of 2.2.28.

Requested refer to the paragraph of the Rule or Rules of practice concerned and make the point clear

Letter no 1473/26-27 of 27.7.28 from the Regr Chief Court furnishing the opinion of the Chief Court on the question of liability to bear cost of printing or typing and requesting sanction to the enclosed amendment proposed as rule 58A.

Submit for orders, with reference to the Secys note in para 7 supra.

It is stated that the Judges are of opinion that the party asking for reference being made has to bear the cost in the first instance & that it will be in the discretion of the Court to add the charges in the cost given; perhaps under Rule 47 of the Rules.

Forwarded

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—22-5-27

554 - 6

App. F. III—[illegible]

General and Revenue Secretariat. C/o File No. 158 of 1927.

Serial No.

Under the Sch. Court Rules of Practice the Appellant & Respondent have each to bear the cost of translating & printing the documents on which they respectively rely & the Sch. Courts propose to apply these rules as far as practicable to references under s 66 of the Income Tax Act. As this expenditure will be ordinarily an item of costs there seems to be no objection to sanction the proposed additional Rule 50A.

Secy 4/8

The proposed amendment in Rule 50A. is in accordance with the usual practice prevailing in respect of Regular Income Tax appeals, & may be approved.

3rd Member

Draft

8/8/28

8/8/28

Draft

8/8

1507/7/8

Draft sent —

Fair draft

9/8

Fair draft sent

9/8

Secy

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-26

554 5

App. F. III—2]

Secretariat. | Op. File No. [illegible] of 1927.

Serial No. 4

To the Dpty Chief Comm
The Comm & Dr Lonetar
No P1076.7 D 13.8.28.
Vanchorista addendum

Printed cover punch.
3/10

B

NOTE—Contra Sheet.

WD 01716—GPB—80,000—18-4-28

3133

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 20 December 1927.

R. O. C. No.
Dis.

Ch 158-27-1

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to state that rules 12 and 14 of the Rules issued for the purpose of regulating the practice of the Chief Court (Vide: Page 5 of the General Rules and Orders - Volume I, Civil), require that in all first and second appeals paper books should either be printed or typed. This rule does not however apply to references under the Income-Tax Regulation. At present the Income-Tax Commissioner sends only one typed copy of the statement of the case. The Court is not provided with copies of the evidence, if any, relevant correspondence, exhibits, notices and the other papers all of which are important and a perusal of which is necessary for a proper decision in the case. The references are now heard ordinarily by a Bench of two Judges, but in important cases a larger Bench is constituted. Such an arrangement renders it necessary to have at least 5 copies of records for the court use, 3 for the Judges, one for the office and one spare copy. The advocates concerned would require about 5 copies more. The Income-Tax Commissioner would perhaps require 2 or 3 copies. The Judges are therefore of opinion, that it would be of great advantage to print or type, as the case may be, all income-tax references in the same way, as appeal records are now dealt with.

I am accordingly to request that Government may be pleased to accord their sanction to the enclosed addendum enlarging the scope of rules 12 to 14 etc,, so as to -- include income tax references also within their purview.

I have the honor to be,

Sir,

Your most obedient servant,

M Vruniasamiga

For R E G I S T R A R.

KVN/-

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Addendum dated the ..... to the Rules dated the 25th September 1905, issued for the purpose of regulating the practice of the Chief Court (printed at pages 1 to 10 of the General Rules and Orders, Civil, Volume I).

The Chief Court directs that the following note be added at the end of Rule 21:-

" The rules regarding the printing or typing of paper books in Appeals and Second Appeals, hereinbefore mentioned shall apply as far as practicable to references under -- Section 66 of the Income-Tax Regulation".

For R E G I S T R A R.

KVN/-

A. P. F. VI. G1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue..... 2/1/28

Signed by..... M.I.S.

List of enclosures.....

Copied by.....

Examined by .....

Section Ct

File No. 158-27

Serial No. 2

No. P. 6424

To The Registrar, High Court.

Sir,

With reference to your letter no Roc 1473/26-27 dated 20-12-27 stating that the Judges of the High Court are of opinion that memoranda references may be typed or printed in the same way as appeal records are now dealt with and forwarding an addendum to the Rules dated 25-9-1905 issued for the purpose of regulating the practice of the High Court, I am directed to observe that the proposed addendum does not make clear the

over

[illegible] sense of liability to pay the costs of
[illegible]ting or typing etc. The practice
[illegible] whose instance the reference
to Chief Constable will be made, has
to pay the cost of printing etc in
the first instance and recover it
from the Inland Revenue when
the assessee succeeds. I am
to request that this matter may be
made clear.

2. The proposed draft addendum
refers to para 21 of the page
7 of the General Rules and Orders
[illegible] vol I. The amendment of the
[illegible] General Rules and Orders is not
to have binding effect and the draft
has, it is presumed, to
[illegible], refer to the Rules of Practice
I am therefore to request you to
kindly refer to the paragraphs
concerned.

I have etc

27/11

Drawbridge

28
27/11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ... *192*....

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

T. Singaravela Mudaliar, Esq., B.A.B.L.,
Registrar, Chief Court, Bangalore.

Sir,

With reference to your letter No.ROC. 1473/26-27 dated 20-12-1927 stating that the Judges of the Chief Court are of opinion that incometax references may be got typed or printed in the same way as appeal records are now dealt with and forwarding an addendum to the Rules dated 15-9-1905 issued for the purpose of regulating the practice of the Chief Court, I am directed to observe that the proposed addendum does not make clear the question of liability ~~of~~ to pay the costs of printing or typing etc., The assessee at whose instance the reference to Chief Court will be made has to pay the cost of printing etc., in the first instance and recover it from the Incometax Commissioner in case the assessee succeeds. I am to request that this matter may be made clear.

2. The proposed draft addendum refers to para 21 on page 7 of the General Rules and Orders, Civil-Vol.I. The amendment of the Manual of Rules and Orders will not have a binding effect and the draft has, it is presumed, to refer to the Rules of Practice. I am therefore to request you also to kindly refer to the paragraph of the Rule or Rules of Practice concerned.

I have the honour to be,
Sir,
Your most obedient servant,

Fair draft for file

TD.

For Secy.to Govt. Law Dept.,

Telgm:
"JUSTICE."

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore... ~~nov~~ 27th July.....1928

R. O. C. ~~Dis.~~ No. 1473/26-27 Encl: Two.

C.C. 158-27-3

From

T. Singaravelu Mudaliar,
~~A. Sreenivasaraghavachari~~, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

With reference to your letter No. P. 4424 dated the 2nd February 1923 regarding the addendum to the rules regulating the practice of the Chief Court in the matter of typing or printing of records in Income-Tax reference Cases, I am directed to state that with regard to the question of liability to pay the costs of printing or typing, the Judges are of opinion that the party asking for reference to be made has to bear the costs of printing or typing in the first instance and it will be in the discretion of the Court to add this also in the costs given. The enclosed amendment now proposed as rule 50 A makes the point of liability to costs of printing or typing and of translating clear.

I am to request that Government may be pleased to accord their sanction thereto. A typed copy of Chief Court Rules as amended up-to-date is enclosed for information and reference in this connection.

I have the honour to be,
Sir,
Your most obedient servant,

T. Singaravelu
Registrar.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Civil Side.

Under Section 130 Civil Procedure Code the Chief Court has made the following addendum to the rules dated the 25th September 1905, issued for the purpose of regulating the practice of the Chief Court.. It shall come into force from.....

RULE 50 A.

Rules 36 to 50 relating to the printing or typing of paper books and translation of documents in Regular Appeals and Second Appeals shall apply as far as practicable to references under Section 66 of the Income-Tax Regulation.

Chief Court of Mysore,
Bangalore, dated 1928

Registrar.

VSK.

9

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

The 25th September 1909.

The following Rules for regulating the practice of the Chief Court on

a. Criminal Appeals and Applications.
b. Civil Appeals and Applications.
c. Disposal of work.
d. Hearing.
e. Hours of business.
f. Process serving fees and ~~Printing charges~~.
g. Return of documents.
~~h. Translations~~.
i. Vakalatnamas.

the subjects noted in the margin are issued in supersession of all previous rules on the same subjects.

G. Printing & Translation ~~h~~

(a) CRIMINAL APPEALS AND APPLICATIONS.

All Criminal appeals and applications presented to the Deputy Registrar through the clerk deputed for receiving the same, ir received from persons under duress, shall be checked by the Criminal clerk to see if all the necessary requirements have been complied with and, if found correct, they will be entered in the appropriate register and brought up for admission; but if they are in any way defective, they will be submitted to the Admission Judge for orders. Criminal appeals and applications as well as Referred cases will be posted to the earliest convenient date.

(b) CIVIL APPEALS AND APPLICATIONS.

2. All appeals* and applications of a Civil nature must be presented to the

Deputy

...y Registrar, through the clerk

...ted for receiving them.

On the presentation of an appeal or application of a Civil ..., it will be the duty of the clerk receiving the same, to ...ine the stamps carefully and note on the petition or applica- the name of the person presenting the same, and the date of ...entation, and enter the same in the General Register, giving ...serial number. The register will be closed at 4 P.M., and ...daily to the Deputy Registrar, who will date and initial - ...ame. The Civil clerk deputed for the work shall attach to ...ppeal or petition presented a certificate as to whether or ...it is presented in the form and within the time prescribed - ...w, and is accompanied by proper enclosures and a memorandum ...lation, giving clear particulars for calculating the stamp ...payable thereon, and is stamped as required by law. If - ... correct, the appeal or application will be entered in the ...priate Register and brought up for admission.

After an appeal or application has been admitted, the ...ar will fix a date for its hearing and issue notice in the ...illed form.

In fixing the date with reference to the current business ... Court, no second appeal should be posted for hearing in - ...han six weeks from the date of admission and no regular - ... in less than two months, except when otherwise specially ...ed by the Court. All Applications for revision or of a - ...llaneous nature and all References will be posted to the - ...st convenient date.

No memorandum of appeal or ...ation will be received which is ...own up and signed by an Advocate, ... the appellant or petitioner, or ... recognized agent, as defined in ...ion 37 of the Code of Civil Proce-

Every memorandum of appeal, peti- ... affidavit, application, memorandum ...t of documents, copy of a docu- ...r other paper presented to or ... in the Chief Court except docu- ...y evidence, shall be fairly and ...y written or printed, or partly ..., and legibly written and partly ...d on durable white paper 13 inches ... 8½ inches wide and weighing not

ying as the case may be), the
of the Munsiff (or Sub-Judge)
in O.S.No. of
the following reasons :-

to enter the grounds of appeal).

this

(Signature of Appellant
or his Advocate).

Applications under Section 115
the Code of Civil Procedure should
clearly in what respect the
Court has exercised a jurisdic-
not vested in it by law or failed
exercise jurisdiction so vested or
illegality or material irregu-
by there has been in the exercise
jurisdiction.

No memorandum of appeal, or
ion, or application, shall be
ved by the Deputy Registrar, un-
it is presented by the party in
or by an Advocate, or by a duly
ered gumasta of an Advocate.

All memoranda of appeal and
ctions insufficiently stamped
e returned, a time being fixed
aking good the deficiency.

Appeals and applications re-
ted as also memoranda with which
ent Court-fees are produced shall,
y are re-presented or produced -

after

20th December 1919.

not less than 15 pounds per ream, with an inner margin about an inch wide and an outer margin about two inches and half wide, and made up as nearly as may be in the form in which the records are now printed for the Chief Court, the writing or printing to be on both sides of the paper and numbers being expressed in figures.

5. All memoranda of Regular Appeals shall be in the Form No ~~173,~~ Appeal Suit C.C. ~~Schedule IV~~, Civil Procedure Code.

6. All memoranda of Second appeals shall be in the following form :-

MEMORANDUM OF SECOND APPEAL.

In the Chief Court of Mysore,

S. A. No. of 19

In the District Court of

Appeal No. of 19.

In the Munsiff or Sub-Judge's Court of

O.S. No. of 19

	In the Court of First Instance.	In the Lower Appellate Court.	In the Chief Court.
A.B.	Plaintiff	Appellant	Appellant
Versus.			
C.D.	Defendant.	Respondent.	Respondent.

A.B. begs to prefer this Second appeal to the Chief Court of Mysore from the decree passed by the District Judge of , in Appeal No. of confirming (or reversing or modifying

after the time allowed by the Court, be presented to the Registrar in the first instance for obtaining the orders of the Court thereon.

11 Every memorandum of appeal from a decree must contain a note showing how the valuation of the appeal has been made under the Court-fees Regulation. Any memorandum of appeal which does not give the particulars of valuation will be returned for the same being stated within a time to be fixed.

12. All applications presented after the time prescribed by law must be accompanied by an explanation of the delay, supported by an affidavit. The statement of the cause of delay should be made in the application.

13. Appeals not accompanied by copies of the judgment and decree of the Lower Court and a vakalatnama for the appellant (when presented by an Advocate) will be returned.

14. A Register of Appeals, etc., returned for amendment, or in accordance with the foregoing rules, will be kept in the following form :-

Serial No.	Whether appeal or petition.	Name of appellant or petitioner.	By whom presented and date of presentation.	Substance of order and date.	Signature of the party or Advocate or Advocate's gumasta receiving back the appeal etc.,	Initials of the Dy., Registrar

When an appeal is from the ... or order of an Appellate Court, ... Court may direct the appellant to ... copies of the judgment and ... or order of the Court of first ... nce, and specify the time within ... the same should be produced.

In every appeal and application, ... provision of the law under which ... presented should invariably be ... lied and appeals and applications ... do not conform to this rule will ... rned. In the case of appeals ... Order XLIII rule 1 of the Civil ... dure Code, the ~~sub-section~~ clause ... also be specified.

When an appeal against an order ... that an appellate order is pre- ... d to the Court, a copy of the ... ation on which the order appealed ... t was passed shall also be pro- ..., unless the copy of the order or ... ate order itself furnishes suffi- ... information as to the nature of ... e.

Whe... the Court of first instance ... Lower Appellate Court has ... ed its judgment, parties should ... copies of both the primary and ... vised judgment.

When the application for review ... ected and the appeal is from the ... original

original judgment and decree, a copy of the order rejecting the application need not be presented with the memorandum of appeal. In such cases the date on which the application for review was presented and the date on which it was rejected should be stated in the memorandum of appeal.

20. After the appeal has been filed, every application by an appellant for leave to file a memorandum of additional grounds of appeal shall be made in writing, ten clear days before the day of hearing, and when granted, the appellant shall not, without the leave of the Court for special cause, be heard in support of such ground or grounds, unless he shall have served a copy thereof on the respondent or his Advocate eight clear days before.

21. When an issue is referred for trial and the finding of the Lower Court is received, a notice will be affixed to the Notice Board of the Chief Court and any Memo of Objections against such findings must be filed within a fortnight from the date on which the notice was affixed to the Notice Board.

22. When a memorandum of objections is filed by a respondent under Order XLI rule 22, or when objections are taken to findings under Order XLI rule 26, Civil Procedure Code, the party filing such

...ections shall certify thereon
... Court that due notice of the
...s been given to the other side.

Such notice may be sent by the
... or his Advocate to the opposite
... or the Advocate representing him
...t under a registered cover.

No appeal or application of a
... nature will be received during
...cation, except in cases where it
...ght to obtain an injunction or
...achment or to stay proceedings.

Application for stay of execu-
...st be separately engrossed on
... stamp and presented for orders.
...per in that behalf embodied in the
... memorandum will be attended to.

The application shall be headed
... application in the appeal or peti- 10-11-1914
... in which stay is asked for and -
...te in the following form.

For the reasons stated in the
...ying affidavit the petitioner
... etc.,

It shall in all cases be accom-
... by an affidavit setting out the
... on which it is founded.

... of application
... stay of execution.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Appeal No..... of 19
Suit No..... of 19 , on the file of.....

Appellant Vs. Respondent.

For the reasons stated in the accompanying affidavit the petitioner prays, etc.,

16-10-1924

25 A. The affidavit shall, in addition to the particulars set forth in Order XLI, Rule 5(3), Civil Procedure Code, contain information as to the nature and value of the decree and the position of the applicant and the decree-holder in the lower court, whether plaintiff or defendant, etc.,

26. When an application for security under ~~Section 549~~ Order 41 Rule 10 of the Civil Procedure Code is made, the petition shall specify the amount of security sought with reasons.

(b1) Hours of presenting urgent applications Civil and Criminal applications of an urgent nature should be made to the sitting Bench at 11 A.M. On days on which there is no sitting, such applications should be presented to the Registrar who will immediately submit them for the orders of the admission Judge.

26-10-1916

Powers of the Registrar :—

27. In addition to, and not by way of derogation of all other powers conferred by other rules, the Registrar or Deputy Registrar shall have the following duties and powers :-

1-11-1916
2-11-1916

(1) To require any memorandum of appeal, objections, petition, application, or other proceeding presented to the court or to the Registrar or Deputy Registrar, to be amended in accordance with the procedure or practice

...ice of the court. Provided that ... Registrar or Deputy Registrar ... , when so required, refer the ... r to the court.

To admit an appeal from the ... or order of a civil court and ... termine whether notice shall at ... issue to the respondent, or the ... l be posted for hearing under ... XLI, rule 11 of the Code of Civil ... Law, subject to the following ... tions :-

Every first appeal and every second appeal setting out one of the grounds specified in section 100, Civil Procedure Code, shall be admitted if it was presented within the time limited by law and the proper court fee has been furnished.

Every appeal so admitted, which alleges an apparently good or arguable ground, shall be set down for hearing after notice, and notices shall at once be ordered by the Registrar or Deputy Registrar to issue.

...ed an original or second appeal has been admitted, and in the opinion of the Registrar or Deputy Registrar there is no such ground alleged in the appeal memorandum as would justify his ordering notice to issue, he shall direct such appeal to be posted for hearing under Order XLI, rule 11 of the Civil Procedure Code.

The Registrar or Deputy Registrar may in his discretion direct that motion for the admission of any particular appeal be made before the Admission Judge.

...o exercise the power under ... XLII, rule 2, Civil Procedure ... , before admitting a second appeal.

(4) To determine whether service of any notice or other process has been duly proved.

(5) To require any person or party to file evidence to be given upon affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.

(6) To make an order appointing or discharging a next friend or guardian ad litem to a minor, and for the amendment of the record accordingly.

(7) To order the entry on record of the name of the representative of a deceased party.

Provided that in cases coming under clauses (6) and (7) contested applications and applications presented out of time shall be posted before a Judge for disposal.

(8) To administer oath to the declarant in all affidavits under the Code of Civil Procedure.

(9) To extend the time for a period or periods not exceeding six weeks in all for payment of printing or typing charges or process fees or for any similar act necessary to make appeals, petitions, etc., ready for hearing

24-3-1927

(c)

(3) DISPOSAL OF WORK.

3. The powers vested in the Chief
rt may be exercised by one of the
ges of the said Court under Sectio
f the Chief Court Regulation,
4, in the following cases :-

(1) Revision of Calendars and Proceedings of any Criminal Court submitted to the Chief Court under Rule of Practice No.83 dated 1st September 1909.

( ) Applications for suspension of sentence or for release of accused on bail, pending disposal of appeal or application for revision.

( ) Proceedings and reports submitted for orders under Sections 123 and 124 of the Criminal Procedure Code.

( ) Disposal of questions referred under Section 185 of the Criminal Procedure Code.

( ) Orders under Sections 427, 498 and 526 of the Criminal Procedure Code.

(6) ~~Orders under Section 505, Civil Procedure Code~~.

(7) Enquiry under ~~Section 593,~~ order 44 Rule 2 Civil Procedure Code.

( ) Applications for stay of execution of decrees, or for stay of further proceedings, pending disposal of appeal.

( ) Admission of petitions and appeals, Civil or Criminal.

( ) Applications for transfers of cases from one Court to another, under Section 24 of the Civil Procedure Code.

( ) Applications for enrolment as Pleaders.

( ) Orders under the Mysore Prisoners' Testimony Regulation, 1894. Provided that it shall be competent for the Judge, before whom any application may be posted for hearing, at any time before he shall have determined the same, to refer it for hearing and determination by a Bench of two Judges.

And

And provided also that, if an order is made exparte by a single Judge, it shall be competent for that Judge to revise and alter it, after hearing both parties.

(29) The powers vested in the Chief Court by Sections 13, 15, 18 and 19 of the Mysore Legal Practitioners' Regulation III, of 1884, may be exercised by a Bench of two Judges of the said Court.

(30) The Chief Court may delegate to one or more of its Judges the power to make the enquiry into the alleged misconduct of any Munsiff referred to in Section 20 of the Mysore Civil Courts Regulation, 1883, and to submit the record of such enquiry, together with the report or opinion of the Judge or Judges appointed to conduct the enquiry, for the consideration and orders of the Full Bench of the Chief Court.

(d) HEARING.

(31) All cases set down in the Cause List for hearing before a Bench will, as far as practicable, be heard and disposed of the same day, and such of them as have to be adjourned at the end of the day for want of time, will be heard at the following sitting of the same Bench unless the Court otherwise directs.

(e)

(e) HOURS OF BUSINESS.

All applications and petitions ...peal will be received in the ... ...trar's Office between the hours ... A.M. and 4 P.M., on all days of ... week, except Sundays and close ... ...days.

(f) PROCESS SERVICE FEES.

When an appeal has been admitted, ...all be the duty of the appellant ... advocate to deposit in the ... ... the court fees required for the ... of a notice on the respondent ... seven days from the date of call ... notice affixed to the notice board.

The fees for the service of ... on the respondent must be paid ... form of court fee labels which ... affixed to a memorandum setting ... clearly the name and residence of ... respondent.

When an appellant or his advo- ... failed to pay into the office, ... the prescribed period, the fees ...ed for the service of notice on ...spondent, the appeal shall be ..., with an intimation that the ... not been so paid, for the ... of the Court.

(g) PRINTING AND TRANSLATING.

In every appeal there shall be ... book either printed or typed. ... appeals in which the records

10-1-1921 and 14-9-1922

are

are bulky and contain more than 50 pages of manuscript matter, the paper book shall be printed and in all other appeals it shall be typed.

36 A. When an appeal is presented after the expiry of the period of limitation the appellant shall not be required to print or type the record before the question of limitation is decided finally after notice to the respondent.

37. In all first appeals the paper book shall contain the following documents :-

(a) In Index.

(b) The plaint (including any schedule appended thereto) and every written statement.

NOTE- "Where any of these documents is copied or translated in full in the judgment that document need not be separately printed or typed but abstracts in the judgment or elsewhere will not be accepted as substitutes for the documents required by this sub-paragraph to be printed or typed."

9-11-1916

(c) The issues.

(d) The judgment and decree of the lower court.

(e) The memorandum of appeal.

(f) Any memorandum of objections filed by the respondent.

38. In all second appeals the paper book shall contain in addition to the documents referred to in the last preceding para, the memorandum of first appeal and the judgment and decree of the court of first instance.

Then an appeal is admitted and the
...s received the appellant will with-
... days furnish the Registrar with a
... in duplicate of all documents and
... tions on which he intends to rely
... er with copies of such documents
... English) and depositions. Such
... nts and depositions together with
... cuments referred to in paras 37 and
... ll be printed or typed at the cost
... appellant. The appellant shall
... ually print or type the whole of the
... ce of every witness, ~~whether~~ whether
... own side or his opponent's, whose
... ition contains anything relevant to
... int which he intends to argue at
... aring of the appeal whether the evi-
... in his favour or against him.

NOTE.- "One copy of the appellant's
... ill be retained by the official -
... duty it is to prepare the documents
... inting, the other will be supplied
... respondent or his advocate, or
... there are more respondents than one,
... are not represented by the same
... be will be kept in the office
... it may be inspected by any respondent."

... Within one month from the date of
... of the appeal notice, the respon-
... is required to furnish the Registrar
... list of all documents and deposi-
... which he intends to rely. Such

documents

9-11-1916

30-10-1914

9-11-1916

8.7.1920

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documents and depositions will be printed or typed at the cost of the respondent. In cases in which the respondent desires to have any additional papers included in the paper book, he will be permitted to do so provided a supplemental list of such papers is filed and the necessary printing or typing charges deposited, not later than a fortnight of the date on which copy of the paper book is supplied to him.

13-1-1923

41. All vernacular documents, etc., relied on by the appellant or respondent must be translated into English before they are printed or typed.

42. The fee for printing or typing the paper book must be paid in advance in cash according to an estimate which will be furnished to the parties by the Registrar. Any unexpended balance will be refunded to the party by whom the fees are paid. When the record is typed a fee of 6 annas a page of solid typed matter will be charged and six typed books will be prepared. Two copies will be supplied to the appellant and two to the respondent. If an appellant requires more than two copies the extra copies required will be supplied on payment of charges calculated at 6 annas a page.

14-9-1922

[illegible]. Advocates shall be responsible [illegible] all translation, printing or typing charges incurred on their behalf under these rules. 19-4-1926

[illegible]. When any default is made in the payment of printing or typing charges, process fee [illegible] or in respect of any [illegible] act necessary to make appeals, petitions, etc., ready for hearing - after any period or periods of extension of time granted by the Registrar or Deputy Registrar, the case shall be posted for the orders of the Court. 24-3-1927

[illegible]. Except with the permission of the Court and on good cause shown, neither the appellant nor the respondent will be permitted at the hearing of the appeal to refer to any document or deposition which is not contained in the paper book whether such document or deposition has been filed or made by his own behalf or on behalf of the opposite party. When a portion only of a document is printed or typed, that portion alone may be referred to. Where an instrument relating to immoveable property contains a description of the property, the portion containing the description, including [illegible] schedules, if any, must be printed or typed in full if it is to be referred 9-11-1916

[illegible]. Deeds, bonds, promissory notes, agreements 31-3-1917

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agreements and other instruments must ordinarily be printed or typed in full, but where the document is exceptionally long and deals with different properties some of which are not in dispute in the case, applications to print or type portions only will be accepted on a certificate of the party applying or his advocate that the portions omitted are in his opinion irrelevant.

45. Each of the parties will be entitled to two copies of the paper book free of further charge.

46. Either party may have any number of extra copies at cost price provided that he gives the necessary notice before the book is printed.

47. The cost of translation (if any) and of printing or typing will ordinarily be included as costs in the case, but it will be within the discretion of the appellate court to disallow any costs which appear to have been unnecessarily incurred.

48. Where the records are not bulky and do not contain more than 50 pages of manuscript matter the record will be printed only on the special application of a party and at his own cost. In such cases the charges for printing

will

not be included in the schedule
costs.

In all appeals the appellant
, within 15 days after the receipt
the records file a list of the -
uments or portions of documents
h he desires to have translated.
similar list will be filed by the
pondent within one month from the
of service of notice of the
al.

10-1-1929

The work of translating Kannada
cents into English will be done
court translators free of -
ge. Where the document to be
slated is in any other language,
work will be got done, as far as
ible, by outside agency at the
of the party interested.

28-7-1922

(h) RETURN OF DOCUMENTS.

All applications for the -
n of documents filed in any -
l or proceeding shall be dis-
d of by the Registrar.

(i) VAKALATNAMAS.

No Advocate of the Court will
heard, unless he has produced be-
the hearing a vakalatnama ⊗ -
orizing him to appear and plead
the cause.

⊗ - The Court of Session has remitted the whole of the Court fees payable under Article 10, Schedule II of the Court Fees Act, VII of 1870, on Vakalatnamas presented by Barristers-at-law of any of the Inns of Court in England or Ireland, or any member of the Faculty of Advocates in Scotland duly admitted Advocate of the Courts thereof (Govt. Notification No. 110, dt. 15th August 1884).

53. Every vakalatnama must be authenticated by an approved public functionary, except where an Advocate certifies that the vakalat has been signed by his client in his presence and that the client is personally known to him.

54. Before a vakalatnama is filed, the word "accepted" should be noted and the endorsement signed by the Advocate.

55. Vakalatnamas filed should state clearly the names and description (as in the record) of the partie on whose behalf the Advocates appear.

REGISTRAR.

Fair draft

30

PROCEEDINGS OF THE GOVT. OF H.H.

THE MAHARAJA OF MYSORE.

Cp 158-27-4

Read:-

Correspondence ending with letter No. 1473 of 26-27 dated 27th July 1928 from the Registrar, Chief Court, requesting the sanction of Government to the marginally noted addendum proposed to be made under section 130 of the Code of Civil Procedure to the Rules regulating the practice of the Chief Court.

Addition of Rule 50A.

Rules 36 to 50 relating to the printing or typing of paper books and translation of documents in Regular Appeals and Second Appeals shall apply as far as practicable to references under Section 66 of the Income-Tax Regulation.

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Order No.P. 10767

Dated, 13 August 1928.

Sanctioned.

Secretary to Govt.
Law Deptt.

To

The Registrar, Chief Court.

The Commissioner of Income-Tax in Mysore.

Copy to Financial Secretariat.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Addendum dated 1st September 1928.

CIVIL SIDE.

Under section 130, Civil Procedure Code, the Chief Court makes the following addendum to the Rules dated the 25th September 1905, issued for the purpose of regulating the practice of the Chief Court.

Rule 50A.—

Rules 36 to 50 relating to the printing or typing of paper books and translation of documents in Regular Appeals and Second Appeals shall apply as far as practicable to references under section 66 of the Income-tax Regulation.

T. SINGARAVELU MUDALIAR,
Registrar,